

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

City of Orange,

Complainant,

vs.

Southern California Edison Company,

Defendant.

Case 01-08-042  
(Filed August 31, 2001)

**SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER**

**Summary**

City of Orange alleges that Southern California Edison Company violated its tariffs by failing to timely advise the City of its rate options for one pumping account when the City changed equipment, and incorrectly calculated a refund made to the City on a second pumping account. The City seeks a refund of alleged overcharges for each account, plus interest.

The assigned Administrative Law Judge held a prehearing conference in Los Angeles on October 31, 2001. Pursuant to Rules 6(b)(3) and 6.3 of the Commission's Rules of Practice and Procedure, I am issuing this scoping memo and ruling to define the issues, determine the schedule, designate the presiding officer, and set an evidentiary hearing date.

**Scope of the Proceeding**

This proceeding will address the following issues:

1. Did Edison violate its tariffs by failing to advise City of Orange of its rate options after the City changed the pumping facilities associated with pump account #1? If so, what relief should be ordered?
2. Did Edison incorrectly calculate the refund referred to in the complaint for pump account #2? If so, what relief should be ordered?

### **Category and Need for Hearing**

The Instructions to Answer determined that this should be an adjudicatory proceeding, and that a hearing will be scheduled unless the matter is otherwise resolved by the parties. No party has appealed the determination on category to the Commission as permitted under Rule 6.4. Both parties agreed in the prehearing conference that an evidentiary hearing is needed.

### **Timetable**

The schedule will be:

|                   |  |
|-------------------|--|
| December 7, 2001  | City of Orange serves prepared direct testimony and exhibits, if any.  |
| January 11, 2002  | Edison serves prepared direct testimony and exhibits, if any.  |
| January 23, 2002  | Evidentiary hearing begins at 10 a.m. in the State Office Building, 320 W 4 <sup>th</sup> Street, Room 500, Los Angeles, California. |
| February 27, 2002 | Concurrent briefs filed; proceeding submitted.   |
| April 26, 2002    | Presiding Officer's Decision filed.  |

The assigned Administrative Law Judge may adjust the schedule as necessary during the proceeding. In no event will resolution occur more than 12 months from the date the complaint was filed.

**Presiding Officer**

Administrative Law Judge James McVicar is designated as the presiding officer (Rule 5(k)(1)).

**IT IS RULED** that:

1. The issues to be considered are as stated in the body of this ruling.
2. The schedule for the proceeding is as set forth herein.
3. Administrative Law Judge James McVicar is designated as the presiding officer.
4. An evidentiary hearing will be held at 10 a.m., January 23, 2002, in the State Office Building, 320 W 4<sup>th</sup> Street, Room 500, Los Angeles, California.

Dated November 13, 2001, at San Francisco, California.

/s/ HENRY M. DUQUE

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Henry M. Duque  
Assigned Commissioner

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner on all parties of record in this proceeding or their attorneys of record.

Dated November 13, 2001, at San Francisco, California.

/s/ KE HUANG

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Ke Huang

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.